

FILED

APR 14 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

2354	✓	1983
FILING FEE PAID		
Yes		No ✓
IFP MOTION FILED		
Yes		No ✓
COPIES SENT TO		
Court	✓	ProSe

Jameslynn O' Hinks, aka Jackson Malloy,
 # NAME
 # 197067 Az Dept of Corr. #1, (K86489 Calif Dept of Corr.)
 # PRISON NUMBER
 # State Agencies Website ARS# 41-4151-4152-4153#
 # Box 3400 10405mut Eyman Complex, (Con Rep of US
 # CURRENT ADDRESS OR PLACE OF CONFINEMENT

Florence Az 85232, (Region IV Parole & C.S.O.)
 # CITY, STATE, ZIP CODE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Jameslynn O' Hinks
 (FULL NAME OF PETITIONER)

PETITIONER

v.

Ombudsman J. Ontiveros
 (NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
 PERSON HAVING CUSTODY OF PETITIONER [E.G., DIRECTOR OF THE
 CALIFORNIA DEPARTMENT OF CORRECTIONS])

RESPONDENT

and

State Attorney General Office
1300 I Street Suite 1740
 The Attorney General of the State of
 California, Additional Respondent.
Sacramento, Ca 95814
(916) 324-5437.*

'08 CV 0697 DMS LSP

Civil No

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2254
 BY A PERSON IN STATE CUSTODY

1. Name and location of the court that entered the judgment of conviction under attack: Chula Vista South Bay Division 500 C Third Ave "Superior" San Diego, Ca. 91910.*
2. Date of judgment of conviction: Approx January 4th, 1998.
3. Trial court case number of the judgment of conviction being challenged: SRF122463.
4. Length of sentence: Five years (5) at 80 % per cent.

SOUTHERN DISTRICT OF CALIFORNIA
 CLERK OF DISTRICT COURT

RECEIVED

5. Sentence start date and projected release date: Retroactive starting time as of Violation of parole approx November 28th 1997 to 2004 + 3 yrs.
6. Offense(s) for which you were convicted or pleaded guilty (all counts): Battery on a non-prisoner Calif pc 4501.5 pc and consolidated civil M.D.O. at San Luis Obispo, Ca. indeterminate as uku *
7. What was your plea? (CHECK ONE)
- (a) Not guilty ☐
- (b) Guilty ☒
- (c) Nolo contendere ☐
8. If you pleaded not guilty, what kind of trial did you have? (CHECK ONE)
- (a) Jury ☐
- (b) Judge only ☐
9. Did you testify at the trial?
- ☒ Yes ☐ No

DIRECT APPEAL

10. Did you appeal from the judgment of conviction in the California Court of Appeal?
- ☒ Yes ☐ No
11. If you appealed in the California Court of Appeal, answer the following:
- (a) Result: Denied encouraged to proceed 4th 9th 3rd Dist.
- (b) Date of result (if known): September 20th 2002
- (c) Case number and citation (if known): Appeal No. 0040670
- (d) Names of Judges participating in case (if known): unknown Kevin Lane Assistant Clerk Administrator, Stephen M. Kelly Clerk
- (e) Grounds raised on direct appeal: Not jurisdiction at time of proper: Basically: Amended Abstract of judgement and over familiarity w/ staff for "community controversy".
12. If you sought further direct review of the decision on appeal by the California Supreme Court (e.g., a Petition for Review), please answer the following:
- (a) Result: Copied correspondence retained w/ petitioner C.C.
- (b) Date of result (if known): November, 22nd, 2007 *
- (c) Case number and citation (if known): James Lynn O'Hara's uku Jackson Mallory K86489 v. State of California (* unknown)
- (d) Grounds raised: Exhaustion of Remedies 42 USC / 1947 c. (2) Kebony V. Rushing civil trial post conviction M.D.O. civil trial post conviction, Judge w/out a jury Venue unfair and partial, Rendered Guilty Plea Involuntarily, Illegal inducements offered to pressure defendant into plea bargain Selective prosecution as Vindictive prosecution case trading by P.A.

13. If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to that petition:

- (a) Result: Three times 2005 to 2006 to 2007 (up date 11/29/07)
- (b) Date of result (if known): Sept 14th, Oct 24, 2005 / Aug-2nd 2006
- (c) Case number and citation (if known): Clerks memorandums 60 days to amend for procedural defaults.
- (d) Grounds raised: § 504 of the Rehabilitation Act of 1973 29 USC 794(a), Brandeis Rules for Class Action litigants, ex turpi causa for duplicitious appeal issue(s), Accessory before the fact; HMO UCC § 4-104(c)

COLLATERAL REVIEW IN STATE COURT

14. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Superior Court?

☒ Yes ☐ No

15. If your answer to #14 was "Yes," give the following information:

- (a) California Superior Court Case Number (if known): Piecemail filings #
- (b) Nature of proceeding: Petition for Amended Abstract of the Judgment and Judge Jesus Rodriguez re Labor Dispute
- (c) Grounds raised: To allow the true name as originally charged to be stated for the record for accurate records information request (Diamond Bar Calif Miers filche) Calif Dept. of Corr. and State Hospital Calif Dept. of Rehab.
- (d) Did you receive an evidentiary hearing on your petition, application or motion?
☒ Yes ☐ No
- (e) Result: approved for amendment
- (f) Date of result (if known): approximately April 1998

16. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Court of Appeal?

☒ Yes ☐ No

17. If your answer to #16 was "Yes," give the following information:

- (a) **California Court of Appeal** Case Number (if known): 0040670
- (b) Nature of proceeding: Quasi-jurisdiction Application by letter
- (c) Names of Judges participating in case (if known): (unknown) clerks; Stephen M Kelly, and Kevin Lane.
- (d) Grounds raised: Diversity Jurisdiction, requesting claim forms to proceed from District to District due to obstruction by civil court proceedings prior conviction.
- (e) Did you receive an evidentiary hearing on your petition, application or motion?
☒ Yes ☐ No
- (f) Result: partially approved no records in re authority/dates.
- (g) Date of result (if known): February 10th 2006.

18. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the **California Supreme Court**?

☒ Yes ☐ No

19. If your answer to #18 was "Yes," give the following information:

- (a) **California Supreme Court** Case Number (if known): _____
- (b) Nature of proceeding: Writ of Habeas Corpus State to State for duplications appeal orders and judgments civil/state
- (c) Grounds raised: illegal plea bargain, ineffective assistance of counsel, double jeopardy, and capacity defense.
- (d) Did you receive an evidentiary hearing on your petition, application or motion?
☐ Yes ☒ No
- (e) Result: pending as of 11/22/07 C.C. retained & supplemented.
- (f) Date of result (if known): 11/22/07 and --- Jan 13, 2008.

20. If you did **not** file a petition, application or motion (e.g., a Petition for Review or a Petition for Writ of Habeas Corpus) with the **California Supreme Court**, containing the grounds raised in this federal Petition, explain briefly why you did not:

Obstruction by state officials due to scandalous matters.
and sundry situations. Local vicinities San Diego to Phoenix
Comparative Disparity of over familiarized church/state
officials. Unfair and Partial Vowee. (via Santa Barbara Co.)

COLLATERAL REVIEW IN FEDERAL COURT

21. Is this your **first** federal petition for writ of habeas corpus challenging this conviction?

☐ Yes ☒ No (If "YES" SKIP TO #22)

(a) If no, in what federal court was the prior action filed? California San Diego, Southern Federal Dist.

(i) What was the prior case number? 307 LV 01816 WQH - RBB

(ii) Was the prior action (CHECK ONE):

☐ Denied on the merits?

☒ Dismissed for procedural reasons?

(iii) Date of decision: Feb 5 2008

(b) Were any of the issues in this current petition also raised in the prior federal petition?

☐ Yes ☒ No

(c) If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this second or successive petition?

☒ Yes ☐ No

CAUTION:

- **Exhaustion of State Court Remedies:** In order to proceed in federal court you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. This means that even if you have exhausted some grounds by raising them before the California Supreme Court, you must first present **all** other grounds to the California Supreme Court before raising them in your federal Petition.
- **Single Petition:** If you fail to set forth all grounds in this Petition challenging a specific judgment, you may be barred from presenting additional grounds challenging the same judgment at a later date.
- **Factual Specificity:** You must state facts, not conclusions, in support of your grounds. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do. A rule of thumb to follow is — state who did exactly what to violate your federal constitutional rights at what time or place.

GROUND FOR RELIEF

22. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. (e.g. what happened during the state proceedings that you contend resulted in a violation of the constitution, law or treaties of the United States.) If necessary, you may attach pages stating additional grounds and/or facts supporting each ground.

(a) **GROUND ONE:** Conviction obtained by a violation of the protection against double jeopardy. (United States v Torres 751 F.2d 875 9th Cir) (1984) (18 USC § 365 split-sentencing)

Supporting FACTS: The original Rule Violation referral for D.A. prosecution as a parole violator subject to Quasi-authority of the Board of Prison terms by Interstate compact agreement, and taken to court denies the guarantee of the claimant's right to not be subjected twice for the same offense, at the arraignment and preliminary trial proceedings, under an alias proscribed in a discovery modification by the state prosecution seeking a conviction by a plea bargain as a prisoner or indictment compelling claimant to be a witness against himself with an identity objected to at arraignment for lesser charges due to class action plaintiff status of true identity as originally charged. The defense preserves a parolee "alternative sentencing factor" that resulted in a split sentence of state and civil codes to demonstrate double-jeopardy after substantive legal factors of Amended Abstract of judgment and succinctly Kehring v. Rushing civil consolidation for an adjective civil indeterminate sentence of MDO.

Did you raise **GROUND ONE** in the **California Supreme Court**?

☒ Yes ☐ No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition): Habeas Petition
- (2) Case number or citation: unknown cc (returned) 11/22/07 #
- (3) Result (attach a copy of the court's opinion or order if available): attached (cc).

(b) **GROUND TWO:** Denial of effective assistance of trial counsel or counsel on direct appeal in the state courts - (*Turetta v. California*, 422 U.S. 806 (1975)).

Supporting FACTS: (1) Court proceedings; arraignment and preliminary, claimant was objecting to problems of (1st) an identity introduced at trial obtained in violation of constitutional rights a substantial burden to create a "conflict of interest" between state app. atty and claimant. (2nd) Public defenders office; of state custody prisoner, app. of counsel, denied choice of one's own counsel, in the interest of justice to provide advice within the scope of California

Affirmative Defenses that would effectively relieve defendant from burden of ineffective assistance of counsel. The advice of counsel to accept a plea bargain implicated upon the right to present favorable defenses, stated in the form of the reason why the plea bargain was accepted for other wrongs "preserved in the transcript", as sentencing for case trade-off but not for the case on trial, clear and convincing evidence favorable to the appellant retrospectively for altering or amending the judgement; (due to involuntarily pleading of guilt w/ counsel, the type of pressures exerted denied competent and reasonable advice and the inducements offered to plead guilty pressured innocent defendant for punishment beyond what is warranted by the severity of the crime). As a parole violator it is a reserved right to seek alternative counsel when in conflict.

Did you raise **GROUND TWO** in the **California Supreme Court**?

☒ Yes ☐ No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition): Writ Habeas.
- (2) Case number or citation: _____
- (3) Result (attach a copy of the court's opinion or order if available): _____

- (c) **GROUND THREE:** Conviction was obtained as retaliatory under 1st Amendment Rights Freedom of speech and Press; ("Drambowski Doctrine") (*Drambowski v Pfister* 479 380 US 855 1116 (1965)).
- Supporting FACTS: ^{H-} Fox libel Act or defamatory if disseminated to the public. Writings used in private enterprise for personal profit seeking prisoner publication to various contracted firms by video, documentary evidence, and verbal guarantee in custody of parole and prison denied freedom of speech in self-defense due to adverse color of authority associations in supervisory capacities. Letters, poems, and song lyrics, for a period of 10 years; State of California) and San Diego Union Tribune Newspaper photographs and stories of Ethnic, Religious, local business associates familiar in nature post-conviction denied fair and impartial venue for trial due to pre-conviction investigating reporting; State of California.)
- The Conviction for negative / adverse protest of the charges of Barr. on a non-prisoner was obtained by the pre-concluded hostile business take over Administrative Acts of local law enforcement vs. Appellant Ethnic, I.N.S., Religious, media operendi for ex tunc causa in the supervisory region of parole and community services division awaiting local Irish pre-post 9/11 - San Diego to Florida + NY NY. Retroactively.
- Church and State Espionage Act of Catholic Diocese Parish of St. Thomas of Aquinas (18 USCA # 193) (eq) --- Campesino's case of East County San Diego v. Inman, State of Ariz v. Hinos, Chicago Temple v. Fox.

Did you raise **GROUND THREE** in the California Supreme Court?

☐ Yes ☒ No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition): N/A
- (2) Case number or citation: N/A
- (3) Result (attach a copy of the court's opinion or order if available): N/A

(d) **GROUND FOUR:** Conviction was obtained in Violation of the Cause and prejudice Rule, constitutionally valid sentence resulted from the trial courts error (18 USC § 286-287 *quidam*)

Supporting FACTS: (1ST) Constitutional Error as: Immediate sentencing on a plea bargain with Judge Jesus Rodriguez on transcripts --- noting the cause to excuse the defendants lapse for a "Real defense" made impracticable for presentation at trial due to the governmental interference of the court as wrongful for the mode of conduct in/of immediate sentencing denying the opportunity for the defense to prove by mitigating evidence, actual innocence, in favor of a plea bargain --- The courts comments as to not enough time for a more full review, parole violation w/ new term in custody, denial of Egan protection. Transcripts preserve the fundamental error - The miscarriage of justice is based on the procedural default for retrospective application rendering unfairness in the conviction of one innocent from the Constitutional error resulted as "pooling defendants in custody for group convictions". Because of the Rule Violation referred for D-A prosecution of one in custody immoral judgment at immediate sentencing results to decrease obligations to the government of the petitioner w/ public contract for rehabilitation as Parolees w/ disability physical & mental. Judicial office insurrection allows for discovery and cause of action.

Did you raise GROUND FOUR in the California Supreme Court?

☐ Yes ☒ No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition): N/A
- (2) Case number or citation: N/A
- (3) Result (attach a copy of the court's opinion or order if available): N/A

23. Do you have any petition or appeal **now pending** in any court, either state or federal, pertaining to the judgment under attack?

☒ Yes ☐ No

24. If your answer to #23 is "Yes," give the following information:

- (a) Name of Court: Superior Court of San Diego *
- (b) Case Number: 2007 00078120 CU PO CTL
- (c) Date action filed: Dec 12 2007
- (d) Nature of proceeding: Civil suit PI POWD Civil Code sec 1812-10 2984.4. # and civil code 382 - (joinder Dets)
- (e) Name(s) of judges (if known): Ronald M. George Robert S. Drake
- (f) Grounds raised: General Negligence --- Hospital and medical Expenses, Involuntary Intoxication, Calif Med Association HIV + discrimination, Contract failure from State Hospital post conviction of case SRF122463 as aka Jackson Mally (1) 1896484 42 USC 1396r compensation PHPS (Intingements)
- (g) Did you receive an evidentiary hearing on your petition, application or motion?
☒ Yes ☐ No

25. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (a) At preliminary hearing: (pro per person trial set for 2-29-08) Public defender Guerra # (Roberto) (Miguel) *
- (b) At arraignment and plea: Davis # Downtown Army public defender office
- (c) At trial: Davis # Southbay Chula Vista transient Immediate sentencing
- (d) At sentencing: Davis # " " " "
- (e) On appeal: pro per *
- (f) In any post-conviction proceeding: pro per *
- (g) On appeal from any adverse ruling in a post-conviction proceeding: pro per *

26. Were you sentenced on more than one count of an indictment, or on more than one indictment in the same court and at the same time?

☐ Yes ☒ No

27. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

☒ Yes ☐ No

(a) If so, give name and location of court that imposed sentence to be served in the future:

aka Jackson Mallory 186989 (San Luis Obispo County)

(b) Give date and length of the future sentence: 2004 to 2007, 2008, & approx 3 to 4 yrs and civil moo indeterminate

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

* ☒ Yes ☐ No

28. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 2254 habeas cases filed in this district, the parties may waive their right to proceed before a district judge and consent to magistrate judge jurisdiction. Upon consent of all the parties under 28 U.S.C. § 636(c) to such jurisdiction, the magistrate judge will conduct all proceedings including the entry of final judgment. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to consent to a magistrate judge as it will likely result in an earlier resolution of this matter. If you request that a district judge be designated to decide dispositive matters, a magistrate judge will nevertheless hear and decide all non-dispositive matters and will hear and issue a recommendation to the district judge as to all dispositive matters.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including the entry of final judgment, by indicating your consent below.

Choose only one of the following:

☒ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☐ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

29. Date you are mailing (or handing to a correctional officer) this Petition to this court: approx
2-20-08 - (April '08 approx.) R.

Wherefore, Petitioner prays that the Court grant Petitioner relief to which he may be entitled in this proceeding.

[Signature]

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

2-20-08

(DATE)

Revised. 4/4/08

James Lyon O'Hines

SIGNATURE OF PETITIONER

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

James Lynn O'Hines

Ontiveros

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

2254	DEFENDANTS
FILING FEE PAID	
Yes	No
HFP MOTION FILED	
Yes	No
COPIES SENT TO	
Court	Attorneys (if known)

FILED
APR 14 2008
CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA BY <i>Km</i> DEPUTY

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

James Lynn O'Hines
PO Box 3400
Florence, AZ 85232
197067

'08 CV 0697 DMS LSP

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------|----------------------------|----------------------------|
| PT | DEF | PT | DEF |
| <input type="checkbox"/> 1 Citizen of This State | <input type="checkbox"/> 1 Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 Citizen of Another State | <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSL (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights			

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE 4/14/2008

SIGNATURE OF ATTORNEY OF RECORD

R. Males

Km